

REMARKS

The Official Action mailed June 29, 2005, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the partial consideration of the Information Disclosure Statement filed on February 24, 2005. Specifically, it appears that the Examiner inadvertently overlooked the citation of the European Search Report dated December 2, 2004 for EP 04 00 0515 at the bottom of the Form PTO-1449. The Applicants respectfully request that the Examiner provide an initialed copy of the Form PTO-1449 evidencing full consideration of the Information Disclosure Statement filed February 24, 2005.

Also, the Applicants have not received acknowledgment of the Information Disclosure Statements filed on January 14, 2004, and May 11, 2004 (received by OIPE May 13, 2004). The above-referenced Information Disclosure Statements appear in the Image File Wrapper. The Applicants respectfully request that the Examiner provide initialed copies of the Form PTO-1449s evidencing consideration of the Information Disclosure Statements filed January 14, 2004, and May 11, 2004.

Claims 1-20 were pending in the present application prior to the above amendment. Claims 1-4 and 15-20 have been amended to better recite the features of the present invention, and new dependent claims 46 and 47 have been added to recite additional protection to which the Applicants are entitled. Accordingly, claims 1-20, 46 and 47 are now pending in the present application, of which claims 1-4 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action objects to claim 1 noting that the Applicants "have left out where the insulating film is located in claim 1." In response, claim 1 has been amended

to recite "an insulating film formed over the resin." Reconsideration and withdrawal of the objection are respectfully requested.

The Official Action rejects claims 1, 3, 7 and 11 as anticipated by U.S. Patent Application Publication No. 2002/0085143 to Kim et al. The Applicants respectfully traverse the rejection because the Official Action has not established an anticipation rejection.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Applicants respectfully submit that an anticipation rejection cannot be maintained against the independent claims of the present application. The independent claims recite a light-emitting device formed over (or in a concave portion of) a first plastic substrate. The Official Action relies on protective layer 207 of Kim to allegedly teach the first plastic substrate of the present invention. However, Kim discloses that "protective layer [207] is preferably composed of SiO_x or IO_x" (page 2, paragraph [0038]). Kim does not teach that protective layer 207 is plastic, either explicitly or inherently. Therefore, Kim does not teach all features of the present invention, either explicitly or inherently.

Also, the claims have been amended to remove features which are not believed to be critical to the patentability of the claims. Specifically, claims 1-4 have been amended to change "on" to "over."

Since Kim does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

The Official Action rejects claims 2, 4-6, 8-10 and 12-20 as obvious based on the combination of Kim and one or more of the following: U.S. Patent No. 6,891,334 to

Yamamoto et al., U.S. Patent Application Publication No. 2002/0041348 to Yokoyama et al., U.S. Patent Application Publication No. 2002/0130985 to Weindorf et al., U.S. Patent No. 6,331,381 to Chaudhari et al., U.S. Patent No. 5,781,263 to Kawagoe et al., U.S. Patent No. 4,202,607 to Washizuka et al. and U.S. Patent No. 4,536,014 to Boutaleb et al. The Applicants respectfully traverse the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Please incorporate the arguments above with respect to the deficiencies in Kim. Yamamoto, Yokoyama, Weindorf, Chaudhari, Kawagoe, Washizuka and Boutaleb do not cure the deficiencies in Kim. The Official Action relies on Yamamoto to allegedly teach "use of a concave portion of the first plastic substrate" (pages 3-4, Paper No. 06032005). Specifically, the Official Action relies on substrate 11 of Yamamoto. However, Yamamoto appears to teach that "substrate 11 includes a metal layer and an

insulating layer” (column 3, lines 21+). Kim and Yamamoto, either alone or in combination, do not teach or suggest that it would have been obvious to one of ordinary skill in the art at the time of the present invention to change the composition of protective layer 207 of Kim from SiO_x or IO_x to plastic.

The Official Action relies on Yokoyama to allegedly teach “use of a transparent liquid crystal” (page 4, Paper No. 06032005), on Weindorf to allegedly teach “use of a flexible printed wiring board” (pages 4-5, Id.), on Chaudhari to allegedly teach “liquid crystal displays used in a cellular phone, wrist watch, and personal computer” (page 6, Id.), on Kawagoe to allegedly teach “liquid crystal displays used in an electronic book” (Id.), on Washizuka to allegedly teach “liquid crystal displays used in a front glass” (pages 6-7, Id.) and on Boutaleb to allegedly teach “liquid crystal displays used in an electronic card” (page 7, Id.). However, Kim, Yamamoto, Yokoyama, Weindorf, Chaudhari, Kawagoe, Washizuka and Boutaleb, either alone or in combination, do not teach or suggest that it would have been obvious to one of ordinary skill in the art at the time of the present invention to change the composition of protective layer 207 of Kim from SiO_x or IO_x to plastic.

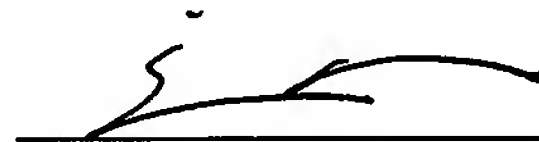
Also, it is noted that dependent claims 15-20 have been amended as shown above to better recite the features of the present invention.

Since Kim, Yamamoto, Yokoyama, Weindorf, Chaudhari, Kawagoe, Washizuka and Boutaleb do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New dependent claims 46 and 47 have been added to recite additional protection to which the Applicants are entitled. The features of claims 46 and 47 are supported by the specification, for example, at page 2, lines 11-18, and Figure 1A. For the reasons stated above and already of record, the Applicants respectfully submit that new claims 46 and 47 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, Virginia 20165
(571) 434-6789